

January 19, 1988  
Agenda Item 11

MEMORANDUM

TO: County Council

FROM: <sup>MR</sup> Michael Faden, Senior Legislative Attorney

SUBJECT: Introduction: Emergency Bill 2-88, Collective Bargaining - Pensions

Emergency Bill 2-88, Collective Bargaining - Pensions, is scheduled to be introduced on January 19, 1988 by Councilmember Hanna. It eliminates pensions and retirement benefits from the mandatory subjects for collective bargaining. The Personnel Committee held a worksession on this legislation on December 7, 1987, and voted 2-1 not to recommend it.

If this bill were enacted, it would need a transition provision making it clear that bargaining currently in progress on pension issues would be terminated when the bill takes effect -- or, conversely, that any bargaining in progress would be allowed to take its course before this bill takes effect.

This packet contains:

Emergency Bill 2-88  
Legislative request report

Circle 1  
Circle 5



Bill No.: 2-J8  
Concerning: Collective Bargaining  
- Pensions  
Draft No. & Date: 1 - 12/2/87  
Introduced: January 19, 1988  
Expires: July 19, 1989  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: none  
Ch. \_\_\_\_\_, Laws of Mont. Co., FY \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Hanna

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AN EMERGENCY ACT to provide that pension and retirement benefits for police officers and other County employees are not subject to collective bargaining.

By amending

Montgomery County Code  
Chapter 33, Personnel  
Sections 33-80, 33-107

EXPLANATION: Boldface indicates a heading or a defined term.  
Underlining indicates text that is added to existing law by the original bill.  
[Single boldface brackets] indicate text that is deleted from existing law by the original bill.  
Double underlining indicates text that is added to the bill by amendment.  
[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment.  
\* \* \* indicates existing law unaffected by the bill.

The County Council for Montgomery County, Maryland, approves the following act:

01 Sec. 1. Section 33-80 is amended to read as follows:

02 33-80. Collective bargaining.

03 (a) Duty to bargain; matters subject to bargaining. Upon  
04 certification of an employee organization, as provided in section  
05 33-79, the employer and the said certified representative shall  
06 have the duty, through their designees, to bargain collectively  
07 with respect to those subjects as follows:

08 (1) Salary and wages, provided, however, that salaries and wages  
09 shall be uniform for all employees in the same  
10 classification;

11 [(2) Pension and retirement benefits for active employees only;]

12 [(3)](2) \* \* \*

13 [(4)](3) \* \* \*

14 [(5)](4) \* \* \*

15 [(6)](5) \* \* \*

16 [(7)](6) \* \* \*

17 \* \* \*

18 Sec. 2. Section 33-107 is amended to read as follows:

19 33-107. Collective bargaining.

20 (a) Duty to bargain; matters subject to bargaining. Upon  
21 certification of an employee organization, the employer and the  
22 the certified representative have the duty to bargain collectively  
23 with respect to the following subjects:

24 (1) Salary and wages, including the percentage of the increase  
25 in the salary and wages budget that will be devoted to merit  
26 increments and cash awards, provided that salaries and wages  
27 shall be uniform for all employees in the same

01 classification.

02 [(2) Pension and retirement benefits shall be negotiable, for  
03 active employees only, one (1) year after the effective date  
04 of this article;]

05 [(3)](2) \* \* \*

06 [(4)](3) \* \* \*

07 [(5)](4) \* \* \*

08 [(6)](5) \* \* \*

09 [(7)](6) \* \* \*

10 \* \* \*

11 Sec. 3. Emergency Effective Date.

12 The Council declares that an emergency exists and that this legislation  
13 is necessary for the immediate protection of the public health and safety.  
14 This act takes effect on the date on which it becomes law.  
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01       Approved:

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04       \_\_\_\_\_  
Michael L. Subin, President, County Council

\_\_\_\_\_  
Date

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06       Approved:

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09       \_\_\_\_\_  
Sidney Kramer, County Executive

\_\_\_\_\_  
Date

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12       This is a correct copy of Council action.

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15       \_\_\_\_\_  
Kathleen A. Freedman, CMC

\_\_\_\_\_  
Date

16       Secretary of the Council

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## LEGISLATIVE REQUEST REPORT

Bill 2-88

## Collective Bargaining - Pensions

DESCRIPTION: Eliminates pensions and retirement benefits from the mandatory subjects for collective bargaining under the County collective bargaining law.

PROBLEM: If pensions and retirement benefits are subject to bargaining, the County's long-term commitments might increase beyond prudent levels.

GOALS AND OBJECTIVES: To retain control of the County's retirement obligations by removing pensions as a subject of bargaining.

COORDINATION: OMB, Personnel

FISCAL IMPACT: To be requested

ECONOMIC IMPACT: To be requested

EVALUATION: To be requested

EXPERIENCE ELSEWHERE: Details disputed; can be researched.

SOURCE OF INFORMATION: Michael Faden, Council staff, 217-7900

APPLICATION WITHIN MUNICIPALITIES: Applies only to County employees.

PENALTIES: None

